

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

M E M O R A N D U M

Honorable William B. Shubb  
United States District Judge  
Sacramento, California

**RE: Randall Clifton KLING**  
**Docket Number: 2:00CR00046-01**  
**REQUEST FOR AUTHORIZATION FOR**  
**PROBATION OFFICERS TO TESTIFY IN**  
**SUPERIOR COURT**

Your Honor:

Randall Clifton Kling was convicted in this court of Mail Fraud, a violation of 18 USC 1341, in case number 2:00CR00046. On March 14, 2001, he was sentenced to 37 months imprisonment followed by a three-year term of supervised release. He released from prison to the Central District of California on May 2, 2003. On February 25, 2004, the offender was arrested in Ventura County on charges of Identity Theft and Resisting Arrest. The Court was notified of the alleged violations and issued a warrant on March 24, 2004. The violation warrant was superseded on January 13, 2005, to conform to the requirements of United States vs Vargas-Amaya, 389 F.3d 901 (9th Cir. 2004). The offender was subsequently charged in Ventura County Superior Court, Case Number 2005045185 with two counts of First Degree Murder, each carrying a maximum penalty of death.

On April 8, 2004, the Court authorized disclosure of specific documents to Ventura County authorities investigating the homicides, specifically:

- 1) Sign-in logs at drug testing center for the time period from August 1, 2003, through May 31, 2004;
- 2) United States Probation Officer's chronological case record, notes from August 1, 2003, through March 31, 2004;
- 3) Monthly treatment report forms submitted by contract therapists to the United States Probation Officer for services provided between May 1, 2003, and April 1, 2004.

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On September 30, 2004, the Court ordered disclosure of the presentence investigation report to the Ventura County District Attorney's Office.

The undersigned officer has been served with a subpoena by the Public Defender representing the offender in his upcoming jury trial. The subpoena ordered this officer's appearance and production of a copy of the presentence report. According to defense counsel, the undersigned officer's testimony is needed in regard to paragraph 115 of the presentence report which summarizes a telephone interview of Julie Camique regarding the offender's background. According to defense counsel, Ms. Camique is a witness for the prosecution and her statement to the undersigned officer during the presentence investigation contradicts statements made to Ventura County investigators and impeaches her credibility.

United States Probation Officer Benita Grimm in the Central District of California anticipates a subpoena from the prosecution regarding certain aspects of the offender's supervision, specifically, his whereabouts on particular dates when the alleged homicides occurred. The previously disclosed case records provide the basis for her testimony. The trial is set to begin on August 11, 2008.

Given the nature of the charges and potential penalties, it is recommended the Court order the probation officers named above to comply with any subpoenas issued under authority of the Superior Court in this capital case and testify in Ventura County Superior Court.

Respectfully submitted,

/s/ John A. Poglinco

**JOHN A. POGLINCO  
Senior United States Probation Officer**

Dated: July 21, 2008  
Sacramento, California  
JAP:jz

RE: Randall Clifton KLING  
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REVIEWED BY: /s/ Kyriacos M. Simonidis  
KYRIACOS M. SIMONIDIS  
Supervising United States Probation Officer

cc: Laura L. Swartz  
Assistant United States Attorney

Mary French  
Assistant Federal Defender

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AGREE: X

Dated: July 25, 2008

  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE